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Attorneys for Creditor Public Utility District No. 1 of Douglas County, Washington

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re: } No. 18-03197-FPC11
GIGA WATT INC, a Washington
corporation, } **CHAPTER 11**
Debtor. } The Honorable Frederick P. Corbit
} **OBJECTION TO CHAPTER 11**
} **TRUSTEE'S EX PARTE MOTION**
} **FOR RULE 2004 ORDER RE: PUD**

Public Utility District No. 1 of Douglas County, Washington (the “PUD”), through its counsel, Kathryn R. McKinley and Paine Hamblen LLP, objects to the Chapter 11 Trustee’s *Ex Parte* Motion for Rule 2004 Order directed to the PUD [Dkt. No. 658] to the extent such Motion exceeds the scope specified in the Court’s Order entered June 17, 2020 (Order Authorizing Chapter 11 Trustee to Retain Beveridge & Diamond P.C. as Special Counsel [Dkt. No. 623]).

The Court's June 17, 2020 Order specified that the scope of the discovery authorized was "limited to claims alleged in the Motion of the Committee of

**OBJECTION TO CHAPTER 11 TRUSTEE'S *EX PARTE*
MOTION FOR RULE 2004 ORDER RE: PUD - 1**

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1 Unsecured Creditors for Authorization to File Adversary Proceeding Against
2 Douglas County PUD [Dkt. 533].” The Motion of the Committee was specifically
3 targeted to the termination of the Interconnection and Services Agreement between
4 the PUD and Giga Watt for Giga Watt’s Pangborn site. Despite this limitation, the
5 Chapter 11 Trustee has requested production of documents related to Giga Watt’s
6 TNT site. (RFP No. 19, page 13 [Dkt No. 658]). The documents requested are
7 those related to a January 7, 2019 letter from the PUD to Giga Watt regarding the
8 TNT site and are not relevant to the termination of the Pangborn Agreement which
9 was initiated by letter on October 12, 2018. This subsequent event has no bearing
10 on the termination of the Pangborn Agreement and exceeds the authorized scope of
11 discovery.
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13 The PUD respectfully requests that the Court limit the Chapter 11 Trustee’s
14 Rule 2004 requests for production in accordance with the Court’s Order of June
15 17, 2020, and strike Request for Production No. 19. The PUD reserves the right to
16 make further objections to the Chapter 11 Trustee’s Rule 2004 production requests
17 in the PUD’s responses.

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27 OBJECTION TO CHAPTER 11 TRUSTEE’S EX PARTE
28 MOTION FOR RULE 2004 ORDER RE: PUD - 2

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1 DATED this 6th day of August, 2020.
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4 PAIN HAMBLEN LLP
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7 /s/ Kathryn R. McKinley
8 Kathryn R McKinley, WSBA #25105
9 Attorneys for the Public Utility District No.
10 1 of Douglas County, Washington
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OBJECTION TO CHAPTER 11 TRUSTEE'S EX PARTE
MOTION FOR RULE 2004 ORDER RE: PUD - 3

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